

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of:	)	
	)	
Costa de Oro Television, Inc.	)	
	)	
v.	)	
	)	
Sierra Dawn Cablevision	)	CSR 6071-M
	)	
and	)	
	)	
Catalina Cable TV Company	)	CSR 6055-M
	)	
Request for Mandatory Carriage	)	
of Television Station KJLA-TV, Ventura,	)	
California	)	

**MEMORANDUM OPINION AND ORDER**

**Adopted: April 15, 2003**

**Released: April 16, 2003**

By the Deputy Chief, Policy Division, Media Bureau:

**I. INTRODUCTION**

1. Costa de Oro Television, Inc. ("Costa"), licensee of television broadcast station KJLA-TV (Ind. Ch. 57), Ventura, California ("KJLA"), has filed must carry complaints with the Commission pursuant to Sections 76.7 and 76.61(a)(3) of the Commission's rules, claiming that Catalina Cable TV Company ("Catalina") and Sierra Dawn Cablevision ("Sierra") have failed to commence carriage of KJLA on their cable systems serving Avalon and Hemet, California, respectively (the "Communities").<sup>1</sup> The complaints are unopposed. For the reasons stated below, we grant the relief Costa seeks.

**II. DISCUSSION**

2. Under Section 614 of the Communications Act of 1934, as amended, and implementing rules adopted by the Commission in *Implementation of the Cable Television Consumer Protection and Competition Act of 1992, Broadcast Signal Carriage Issues ("Must Carry Order")*, commercial television broadcast stations, such as KJLA, are entitled to assert mandatory carriage rights on cable systems located within the station's market.<sup>2</sup> A station's market for this purpose is its "designated market area," or DMA, as defined by Nielsen Media Research.<sup>3</sup> The term DMA is a geographic market

<sup>1</sup> 47 C.F.R. §§ 76.7 and 76.61(a)(3).

<sup>2</sup> 8 FCC Rcd 2965, 2976-77 (1993).

<sup>3</sup> Section 614(h)(1)(C) of the Communications Act, amended by the Telecommunications Act of 1996, provides that a station's market shall be determined by the Commission by regulation or order using, where available, commercial publications which delineate television markets based on viewing patterns. *See* 47 U.S.C. § 534(h)(1)(C). Section (continued....)

designation that defines each television market exclusive of others, based on measured viewing patterns.

3. Pursuant to the Commission's must carry rules, cable operators have the burden of showing that a commercial television station that is located in the same television market is not entitled to carriage.<sup>4</sup> One method of doing so is for the cable operator to establish that a subject television station's signal, which would otherwise be entitled to carriage, does not provide a good quality signal to the cable system's principal headend.<sup>5</sup> For UHF commercial television stations, such as KJLA, the standard used to determine what constitutes a good quality signal at a cable system's headend is -45dBm.<sup>6</sup> Should a station fail to provide the requisite over-the-air signal quality to a cable system's principal headend, it still may obtain carriage rights. Under the Commission's rules, a television station, at its own expense, may provide a cable operator with specialized equipment to improve the station's signal to an acceptable quality at a cable system's principal headend.<sup>7</sup>

4. KJLA operates on UHF Channel 57 and is a full power commercial television station licensed to serve Ventura, California, which is in the Los Angeles DMA.<sup>8</sup> Catalina and Sierra operate cable television systems in Hemet and Avalon, which are also in the Los Angeles DMA.<sup>9</sup> Therefore, KJLA qualifies as a local station entitled to mandatory carriage in these communities.<sup>10</sup>

5. We grant KJLA's must carry complaint with respect to the cable systems at issue. KJLA demonstrates in its complaints that it timely notified the cable operators of its must carry elections in accordance with Section 76.64(f) of the Commission's rules.<sup>11</sup> The cable operators have not challenged KJLA's recitation of the facts nor have they provided any affirmative defenses to carriage. The absence of opposition to KJLA's must carry complaints bolsters our conclusion that mandatory carriage is warranted.

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76.55(e) of the Commission's rules requires that a commercial broadcast station's market be defined by Nielsen Media Research's DMAs. *See* 47 C.F.R. § 76.55(e).

<sup>4</sup> *See Must Carry Order*, 8 FCC Rcd at 2991.

<sup>5</sup> 47 C.F.R. § 76.55(c)(3).

<sup>6</sup> 47 U.S.C. § 534(h)(1)(B)(iii); 47 C.F.R. § 76.55(c)(3).

<sup>7</sup> *Must Carry Order*, 8 FCC Rcd at 2991.

<sup>8</sup> Complaints at 2.

<sup>9</sup> *Id.*

<sup>10</sup> *See Must Carry Order*, 8 FCC Rcd at 2976-77.

<sup>11</sup> Complaints at 2; *see* 47 C.F.R. § 76.64(f).

### III. ORDERING CLAUSES

6. Accordingly, **IT IS ORDERED**, pursuant to Section 614 of the Communications Act of 1934, as amended, 47 U.S.C. § 534, that the complaints filed by Costa de Oro Television, Inc. **ARE GRANTED** with respect to the cable systems owned by Catalina Cable TV Company and Sierra Dawn Cablevision in Hemet and Avalon, California.

7. **IT IS FURTHER ORDERED** that Catalina Cable TV Company and Sierra Dawn Cablevision **SHALL COMMENCE CARRIAGE** of television station KJLA-TV on Channel 57 of their cable systems serving Hemet and Avalon, California, within 60 days from the date of this *Order*.

8. This action is taken pursuant to authority delegated pursuant to Section 0.283 of the Commission's rules.<sup>12</sup>

FEDERAL COMMUNICATIONS COMMISSION

Steven A. Broeckaert  
Deputy Chief, Policy Division  
Media Bureau

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<sup>12</sup> 47 C.F.R. § 0.283.